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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,868	03/18/2004	Hiroiyuki Iida	Q80457	5449

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EXAMINER

KAYRISH, MATTHEW

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.:

10/802,868

Applicant(s)

IIDA, HIROYUKI

Examiner

Matthew G. Kayrish

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/5/2006 have been fully considered but they are not persuasive.

The applicant argues that claim 1 recites a pressure sensitive adhesive layer and a barrier layer, and the cited corresponding layers of the reference are not the same. The claimed invention solves the problem that long-term pressure can cause exudation of the pressure-sensitive adhesive layer. The examiner maintains that the cited reference solves the problems of the present application and does so in the manner of the claims of the present invention. Regarding the claims, a pressure sensitive adhesive layer as claimed is supposed to resist exudation over a long period of time. A rubber, laminated layer serving as a pressure-sensitive layer absolutely must resist exudation because otherwise, the building would inherently sink into the ground. Furthermore, the barrier layer is argued to be part of the laminated rubber bearing. In this case, the laminated rubber bearing serves as both, the pressure-sensitive layer and the barrier layer, since the, as shown in figure 2, that the laminated rubber layer is actually made up of several smaller layers and collaborate as a whole to resist exudation. The upper portion of the laminated rubber layer (separately labeled as item 31) is the barrier to the sliding layer. Furthermore, the laminated rubber layer absolutely must be adhesive so as to hold the barrier layer in place. Otherwise, an earthquake would cause the barrier layer to become separated from the layers beneath it, which would thereby cause mass destruction.

In view of the preceding arguments, the examiner maintains that the present reference solves the present problem of resisting exudation, and in the same manner as the claimed sliding member.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al (US Patent Number 6289640).

Regarding claim 1, Ueda et al disclose:

A sliding member comprising a slidable substrate (figure 2, item 21) and a pressure-sensitive adhesive layer (figure 2, item 3) provided on one side thereof, wherein the slidable substrate is a porous form (column 8, lines 45-51) comprising a plastic (column 8, lines 45-51, polyethylene is plastic), and a barrier layer (figure 2, item 31) is provided between the slidable substrate and the pressure-sensitive adhesive layer (See figure 2).

Regarding claim 2, Ueda et al disclose:

The sliding member as claimed in claim 1, wherein the slidable substrate has a coefficient of friction of 0.2 or lower (column 2, lines 63-65).

Regarding claim 3, Ueda et al disclose:

The sliding member as claimed in claim 1, wherein the slidable substrate is a porous form comprising an ultrahigh molecular weight polyethylene (column 8, lines 38-40).

Regarding claim 5, Ueda et al disclose:

The sliding member as claimed in claim 3, wherein the porous form has a porosity of 20-70% (column 2, lines 54-58).

Regarding claim 6, Ueda et al disclose:

The sliding member as claimed in claim 1, wherein the barrier layer comprises a thermoplastic resin (column 7, lines 56-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al.

Regarding claims 4, 7 and 9, Ueda et al discloses a sliding member including all limitations of the instant claimed invention (see the rejection above) except for:

The ultrahigh molecular weight polyethylene has a molecular weight of 500,000 or higher, as recited in claim 4.

The thermoplastic resin has a melt viscosity of 5-500 kPa•s, as recited in claim 7, and

The barrier layer has a thickness of 0.01-0.5 mm, as recited in claim 9.

However, it would have been obvious, as a matter of design choice, to one of ordinary skill in the art at the time the invention was made in the course of routine engineering optimization/experimentation to use the ranges used in the disclosed application. Since these ranges are well known in the art.

Moreover, absent a showing of criticality, i.e., unobvious or unexpected results, the relationships set forth in claims 4, 7 and 9 are considered to be within the level of ordinary skill in the art.

It furthermore has been held in such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range(s); see *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions; see *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

Regarding claim 8, Ueda et al disclose:

The sliding member as claimed in claim 7, wherein the thermoplastic resin is a crosslinked polyethylene (Rubber is a crosslinked polyethylene).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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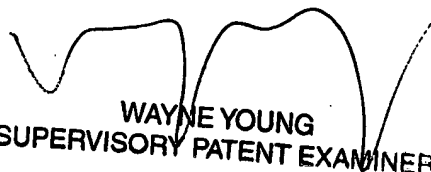
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

11/14/2006

MK


11/14/06
WAYNE YOUNG
SUPERVISORY PATENT EXAMINER